

REMARKS

By the present Amendment, claims 21, 22 and 26 are amended to clarify the claims. This leaves claims 10-27 pending in the application, with claim 10 being independent.

Substitute Specification

The substitute specification is objected to on the ground that the marked-up version provided is inadequate. This type of marked-up version has been accepted previously in numerous U.S. patent applications, which are the U.S. national phase of an International application, without any prior problem. The marked-up version provided combines the original specification and the modified pages to produce the substitute specification, with the changes clearly indicated. The portions of the original specification that are deleted have a line through them clearly indicating that these portions are deleted. The portions of the modified sheets are added. The enlarged copy of the "Brief Description of the Drawings" are merely inserts which are added at the appropriate portions as indicated. An additional copy of that document without the right-hand end partially obscured is provided herewith. Pages 8 and 9 are modified sheets, constitute pages 6 and 7 of the modified sheets, and only present the claims as modified in the Preliminary Examination. Similarly, claims 5 and 6 of the original specification are the deleted claims, and thus, are not included in the substitute specification. Particularly, in view of this explanation, reconsideration and acceptance of the substitute specification is requested.

The objections to the specification are obviated by the substitute specification.

Provisional Double Patenting Rejection

Claims 15 and 16 are provisionally rejected on the grounds of obviousness-type double patenting over claim 1 (presumably intended to refer to claim 7) of co-pending application No. 09/601,279. However, claims 15 and 16, being dependent upon claim 10 (indirectly) include the limitations of claim 10, which limitations patentably distinguish claim 1 (or 7) of the co-pending application. Specifically, the co-pending application is distinguished by the recitation of the protruding interlocking elements on each of the surfaces of the closing element.

Accordingly, reconsideration and withdrawal of this provisional obviousness-type double patenting rejection is requested.

Rejections Under 35 U.S.C. § 112

Claims 10-27 are rejected under 35 U.S.C. § 112, first paragraph, on the ground that the specification does not adequately disclose interlocking elements having one of different shapes, different dimensions and different relative adjacent spacings on the opposite surfaces of the closing element. However, such different spacings are clearly illustrated in Fig. 1. The different shapes, dimensions and/or spacings are clearly recited in claim 1 (last two lines) as modified in the Preliminary Examination, and are discussed in the second full paragraph of page 2 of the modified sheets. Thus, this recitation in claim 10 is adequately supported in the application.

Claims 21 and 22 stand rejected under 35 U.S.C. § 112, first paragraph and/or second paragraph, on the ground that the recitations of "loose leno weave" and "flat knit" are not adequately disclosed in the application and/or are indefinite. Such terms resulted from problems in translating these terms from the original German. These recitations are changed to broadly recite a fabric and a woven textile as clearly supported to avoid these rejections.

Claim 26 is rejected under 35 U.S.C. § 112, first and second paragraphs, on the ground that "rivited tuft" was not adequately disclosed and is indefinite. To avoid this rejection, claim 26 is amended to recite "a tuft" which is adequately disclosed in the application and is definite.

Accordingly, the presently pending claims are definite and comply with the requirements of 35 U.S.C. § 112.

Rejections Under 35 U.S.C. § 103

Claim 10 covers a floor carpet installation system comprising a carpet 1 and 3, a floor loopless material 21 and a micro-adhesive closing element 7. The carpet has a nap side forming its usable surface and has a backside formed of a carpet loopless material 5 opposite the nap side. The floor loopless material is fixable to a floor surface 25. The micro-adhesive closing element has opposite carpet and floor surfaces, with each surface having protruding interlocking elements 11. Elements on the carpet and floor surfaces of the closing element interlock with the carpet and floor loopless materials, respectively. The interlocking elements are configured as fingers with thicknesses 13 at their free ends. The interlocking elements on the carpet surface have different shapes, different dimensions and/or different relative adjacent spacings relative to the interlocking elements on the floor surface.

By forming the carpet insulation system in this manner, both the connection between the closing element and the carpet backside loopless material 5 and the connection between the closing element and the floor loopless material 21 are releasable. The differences between the interlocking elements on the carpet surface and on the floor surface provide different connection strengths at each of the respective interfaces to facilitate the desired removable.

Claims 10-14 and 19-27 stand rejected as being unpatentable over DE 195 32 685 to Leopold in view of DE 196 46 318 to Hammer, U.S. Patent No. 5,753,336 to Stull and U.S. Patent No. 6,298,624 to Pacione. The Leopold patent is cited for a floor covering 1 having a lower felt layer 2, and an underlayer glued to the floor substrate 5 that engages the lower felt layer 2. The Hammer patent is cited for the use of hooks with concave depressions. The Stull patent (Figs. 7 and 8) and the Pacione patent (Fig. 31) are cited for the use of a closing element having hooks on each of its two sides to provide an attachment between a floor substrate and a carpet substrate. In support of the rejection, it is contended that it would be obvious to form the Leopold hooks as disclosed in the Hammer patent and to use a double-sided hook and underlay material in view of the Stull and Pacione patents. The use of hooks of different shapes, dimensions or spacings on the two surfaces is considered obvious.

However, this combination of four patents is unduly complex indicating the claimed invention is nonobviousness. Also, the different shapes, dimensions or spacings is not obvious without any teaching thereof.

Claims 10-14 and 19-27 are also rejected under 35 U.S.C. § 103 as being unpatentable over the Pacione patent in view of the Hammer patent. Figure 31 of the Pacione patent is again relied upon for allegedly disclosing a double-sided hook anchor sheet. In support of the rejection, it is contended it would be obvious to use the Hammer hook configuration on the Pacione anchor sheet. Again, it is contended that it would be obvious to have the hooks on the opposite surfaces with different shapes, dimensions or spacings.

These two rejections under 35 U.S.C. § 103 are improper since no evidence of record supports the contention that it would be obvious to provide different hook arrangements on the opposite sides of the closure element or anchor sheet. The only suggestion for providing these

differences comes from the instant application which has a significant advantage resulting from the difference, i.e., the different connection strengths at the two interfaces to facilitate the removal between the carpet and the closing element or between the closing element and the loopless material fixable to the floor.

Accordingly, claim 10 is patentably distinguishable over the cited patents.

Claims 11-27, being dependent upon claim 10 are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the mushroom-shaped heads of claim 11, the plate-shaped heads of claim 12, the depressions of claims 13 and 14, the adhesive of claims 15-18, the felt of claim 19, the fleece of claim 20, the fabric of claim 21, the woven textile of claim 22, the non-woven textile of claim 23, the synthetic material of claim 24, the needle punched felt of claim 25, the tuft of claim 26, and the sound absorbing properties of claim 27, are not disclosed or rendered obvious by the cited patents, particularly within the overall claimed combination.

Accordingly, claims 10-27 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



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